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09/482,054 01/13/00 MARGON

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EXAMINER

NGUYEN, S

ART UNIT

PAPER NUMBER

2664

DATE MAILED:

08/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/482,054

Applicant(s)
Margon

Examiner
Steven Nguyen

Art Unit
2664



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 26, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

1. The amendment which filed on 4/26/2001 is entered in part because the amended specification does not provide a clean format of the specification according with 37C.F.R 1.121.

Claims 1-68 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-7, 19, 24-25, 32-35, 40, 46, 50, 55-57, 61, 66 and 68 are rejected under 35 U.S.C. 102(b) as being anticipated by Kashi et al (USP 5682604).

As claim 1, 32, 55 and 68, Kashi discloses a base station (Fig 2, Ref 10) for providing a forward channel (Fig 7, Ref 200), a remote station (Fig 2, Ref 11) for monitoring "listening or sensing" the forward channel signal and monitoring reserve channel during a clear "free" channel access interval (Fig 7, time to sense channel free) and providing reserve channel signal if it's clear "free" (Fig 7, Ref 210). See Abstract and col 1, lines 6 to col 4, lines 63.

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As claim 2-3, 40 and 61, Kashi discloses a base station (fig 2, ref 10) and a remote station (Fig 2, Ref 11) inherent receive and transmit an encoded signal between them as a data packet (See Fig 4 and col 4, lines 22-37).

As claims 5-7, 33-35 and 56-57, Kashi discloses a priority and unique address of remote station (See col 4, line 22-37).

As claims 19 and 46, Kashi discloses a forward and reserve channel signal is provided during its predetermined interval (See Fig 6).

As claims 24-25, 50 and 66, Kashi discloses a wireless communication system having frequency (fig 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

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made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4, 8-18, 23, 26-31, 36-39, 41-45, 49-54, 58-60, 62-63, 65 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashi in view of Heide (USP 5677909).

As claim 4 and 41, Kashi does not disclose the data packet including a digitized voice and data. Official Notice is taken that both the concept and the advantages of providing the data packet including digitized voice and data are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the data packets including the digitized voice and data for transmitting between the base and remote station. The motivation would have been to integrate a wireless network with a wireline network such as Internet and turn the Internet into a reliable telecommunication network.

As claims 8-11, 36-37 and 60, Kashi does not disclose an address is broadcast, a semi broadcast, IP. Official Notice is taken that both the concept and the advantages of providing the address for a device is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to assign an address to a remote unit.

As claims 12-14, 38-39 and 58-59, Kashi does not disclose a method of assigning a first remote station address from a first set of addresses in a first zone "cell or sector" and a second remote station address from a second set of addresses in a second zone "cell or sector"; wherein set of addresses form an Internet subnetwork. Official Notice is taken that both the concept and

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the advantages of assigning a different address to each remote to different zone having an Internet subnetwork are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to assign a different address to each remote to different zone having an Internet subnetwork. The motivation would have been to easily locate the remote station in the zones.

As claims 15-18, 42-45 and 62-63, Kashi discloses each remote station having a priority parameter for accessing a clear channel interval at the predetermined time in a round robin fashion and an equal predetermined time for a clear channel assessment interval (See Abstract). However, Kashi does not disclose a clear channel interval including a predetermined time slot and each mobile monitor clear channel during its assigned time slot. In the same field of endeavor, Heide discloses a wireless system includes a base station and remote stations including a forward channel "Fig 6, downward period, broadcast period", a reservation channel "upward period" and clear assessment channel "request period".

Since, Kashi discloses a plurality of time slots for remote station responding to global request. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a superframe which includes a downward period, upward period and request period for accessing upward period for transmitting a data packet as disclosed Heidi into Kashi's wireless communication system. Even without, Heidi's teaching, one of ordinary skill in the art would know how to divide a frame into forward, a reserve channel and clear

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assessment channel interval into a time slot for assigning to the remote station. This method is well known in the art.

As claims 30-31 and 53-54, Kashi does not disclose a method of transmitting a control packet for synchronizing the base station and remote station. Official Notice is taken that both the concept and the advantages of assigning a different address to each remote to different zone having an Internet subnetwork are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to synchronize the base station and remote station. The motivation would have been to adjust a clock of the remote station to coincide with the base station.

As claims 26-29, 51-52 and 67, Kashi does not fully disclose a wireless communication system including a half, full duplex and the signals are transmitted via electrical or optical medium. Official Notice is taken that both the concept and the advantages of forward and reserve channel being half or full duplex is well known and expected in the art.

As claims 23, 49 and 65, Kashi does not disclose a system being used in IPMA environment. Official Notice is taken that both the concept and the advantages of using Internet protocol in a wireless system is well known and expected in the art.

6. Claims 20-22, 47-48 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashi in view of Kay (USP 5299198).

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As claims 20-22, 47-48 and 64, Kashi does not disclose a guard time among the forward, reserve and clear assessment channel interval. However, in the same field of endeavor, Kay discloses a guard time for the channels (See Fig 9 and 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a guard time in the position such as beginning or ending of forward, reserve and clear assessment interval as disclosed by Kay into Kashi's wireless communication. Since, a method of inserting a guard time in the positions such as a beginning or ending interval is well known in the art. So, without Kay's teaching one of ordinary skill in the art would be known how to insert a guard time to prevent an interference between the intervals.

Response to Arguments

7. Applicant's arguments filed 4/26/2001 have been fully considered but they are not persuasive.

In response to page 4, the applicant states that Kashi does not disclose a remote station that monitors a reserve channel during a clear channel assessment interval and provide a reservse channel signal when the reserve channel is clear". In reply, Kashi discloses a remote unit has a monitor unit "Fig 4, Ref 26" for monitoring the reverse channel being free or not during sensing channel assessment interval "Fig 6, Ref Tsfc is a time interval for sensing the reverse channel being free or not", if a reserve channel is free, the remote unit is provided a reverse channel for transmission (See Fig 6, Rx and Tx and col 5, lines 55-67).

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In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., does not require that a remote station receive data over the reverse channel from any of the other remote stations) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, the teaching of Kashi performs the claimed invention.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on Monday through Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

The fax phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

STEVEN H. D. NGUYEN
Art Unit: 2664
August 9, 2001



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